

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	EB Docket No. 02-149
)	
PUBLIX NETWORK CORPORATION;)	File No. EB-01-TC-052
Customer Attendants, LLC;)	NAL/Acct. No. 200232170003
Revenue Controls Corporation;)	FRN: 0004-3412-51
SignTel, Inc.; and)	
Focus Group, LLC)	
)	
Order to Show Cause and Notice of)	
Opportunity for Hearing)	

CONSENT ORDER

Adopted: March 14, 2005

Released: March 15, 2005

This is a ruling on a Joint Request for Adoption of Consent Decree and Termination of Proceeding, filed March 9, 2005, by the Enforcement Bureau ("Bureau") and Publix Network Corporation, Customer Attendants, LLC, Revenue Controls Corporation, SignTel, Inc., and Focus Group, LLC, (the "Publix Companies") in accordance with sections 1.93 and 1.94 of the Commission's rules [47 C.F.R. §§ 1.93, 1.94].¹

This proceeding was set for hearing by the Order to Show Cause and Notice of Opportunity for Hearing ("OSC"), 17 FCC Rcd 11487 (2002), released June 19, 2002. Issues were specified to determine whether: (1) the Commission should revoke the operating authority of the Publix Companies; (2) the Publix Companies and the principal or principals (including but not limited to Dr. Raanan Liebermann) of the Publix Companies should be ordered to cease and desist from any future provision of interstate common carrier services without the prior consent of the Commission; (3) the Publix Companies are entitled to any of the TRS Fund monies that they requested or received from the interstate TRS Fund; and (4) a forfeiture against any or all of the Publix Companies is warranted and, if so, the amount of the forfeiture.

¹ The parties submitted a draft *Consent Order* to the Presiding Judge for consideration in accordance with § 1.94(b)(7). The *Consent Order* provides for termination of the proceeding after the period prescribed for a Commission review *sua sponte* has expired. See § 1.94(e) of the Commission's rules. There has been no change, addition, or modification of the *Consent Decree*.

On July 15, 2002, a federal grand jury returned an indictment against Dr. Liebermann and Publix Network Corporation. On September 30, 2004, Dr. Liebermann and Publix Network Corporation entered into Plea Agreements with the U.S. Attorney's Office for the District of Connecticut ("U.S. Attorney's Office"). As part of the Plea Agreements, Dr. Liebermann and Publix Network Corporation pled guilty to a substitute information, which charged them both with: (1) making a false statement to the FCC through the Fund Administrator, which currently is the National Exchange Carrier Association ("NECA") in violation of 18 U.S.C. § 1001; and (2) engaging in an unlawful monetary transaction, in violation of 18 U.S.C. § 1957. (In return for their pleas to these offenses, the U.S. Attorney's Office agreed to dismiss the original indictment.) Dr. Liebermann and Publix Network Corporation admitted requesting and receiving reimbursement from the TRS Fund for calls that included minutes where no meaningful communication was occurring, because the participants were "dotting" – striking the "period" or "dot" key on their text telephones on a regular basis in order to prevent their telephones from being disconnected from a conference call. Dr. Liebermann and Publix Network Corporation further admitted that they knew that the claims they submitted and caused to be submitted to NECA for reimbursement from the TRS Fund were materially false, fictitious, or fraudulent, because the reimbursement requests included claims for minutes that they knew did not involve any meaningful communications, but were instead artificially generated through the practice of "dotting."

Public Interest

The Publix Companies, Dr. Raanan Liebermann, owner of the Publix Companies, and the Bureau have entered into a *Consent Decree* which resolves the issues set forth in the *OSC*. Approval of the *Consent Decree* authorizes terminating this proceeding.

Approval of the *Consent Decree* will further public interest by having Dr. Liebermann and the Publix Companies relinquish their authorization to operate as common carriers, agreeing to cease and desist from the provision of any interstate common carrier services without the prior consent of the Commission, and securing repayment of funds to the TRS Fund,² in exchange for the prompt disposition of this proceeding's remaining issues. Accordingly, based upon a review and evaluation of the *Consent Decree*, it is concluded that the requirements of §§ 1.93 and 1.94 of the Commission's rules are satisfied, and that the public interest would be served by approval.

The *Consent Decree* is to be filed with the Secretary and placed on the public record by the effective date of this *Consent Order*.

² These funds include \$7,963,875 (plus interest) [see *Consent Decree* at ¶ 2(k) – "Reimbursement Amount"] and \$2,381,440 that Dr. Liebermann and the Public Companies have agreed to waive all rights to and that are currently held by the TRS fund administrator (see *Consent Decree* at ¶ 11.)

Rulings

IT IS ORDERED pursuant to § 1.94(d) of the Commission's rules, that the *Consent Decree* IS APPROVED.

IT IS FURTHER ORDERED pursuant to § 1.94(d) of the Commission's rules, that the record of this proceeding IS CLOSED.

IT IS FURTHER ORDERED pursuant to § 1.94(b)(7) of the Commission's rules, that the issues specified in the *Order to Show Cause and Notice of Opportunity for Hearing* ARE RESOLVED.

IT IS FURTHER ORDERED pursuant to § 1.94(e) of the Commission's rules, that the Joint Request for Adoption of Consent Decree and Termination of Proceeding IS GRANTED.³

FEDERAL COMMUNICATIONS COMMISSION.⁴

A handwritten signature in black ink, appearing to read "Richard L. Sippel", is written over a horizontal line.

Richard L. Sippel
Chief Administrative Law Judge

³ The Commission, however, may review the *Consent Decree* on its own motion under § 1.302 of the Commission's rules. See § 1.94(e). Therefore, the *Consent Order* and the *Consent Decree* will become effective and this proceeding is terminated 50 days after its public release if the Commission does not review the *Consent Order* and/or the *Consent Decree* on its own motion. 47 C.F.R. § 1.302.

⁴ Courtesy copies of this *Consent Order* were sent to counsel for the parties by facsimile or e-mail on the day of issuance.